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07/26/91



July 26, 1991

CORNING

Via Federal Express

Beth A. Henning, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region V
230 south Dearborn Street
Chicago, Illinois

Dear Ms. Henning,

The undersigned are writing to let you know that in response to the EPA's special notice letter dated June 3, 1991 and our preliminary meetings with you and others at Region V, we are attempting to develop a good-faith offer to conduct the RI/FS at the Albion-Sheridan Site. Although neither of the undersigned is yet prepared to commit to the effort, we have agreed that a PRP-funded and directed study is desirable. It is clear to us, however, that if we are to have any hope of formulating a good-faith offer that meets the EPA's standards, we will need more time. Under the terms of your special notice letter, our proposal would be due on or about August 12, 1991. Because of the peculiar circumstances of this site, we would like to request a sixty (60) day extension of time to submit our good-faith offer.

We believe this request is justified for several reasons.

First, as you know, very few PRPs have been identified and several of them were unable to attend the first informational meeting on June 14, 1991 because they did not receive the notice letter until June 12th and simply could not be in Chicago on such short notice. Some of those not in attendance at the June 14th meeting subsequently met with you at a follow-up meeting on July 2, 1991, but even then we received only relatively sketchy information concerning the site, ongoing investigatory efforts and EPA plans.

Second, despite having made prompt Freedom of Information Act requests concerning the site and the involvement of the various PRPs, we have not yet received a response. Without this information it is impossible for us to assess our potential liability and to encourage other PRPs to assist in the effort. We understand that you may be releasing information responsive to these requests this week. If so, we will need additional time to familiarize ourselves with the materials and to act on what we learn.

Third, Eagle-Picher has notified us that they will be seeking a discharge in bankruptcy from all of their environmental liabilities and therefore have declined to participate in our effort. As you know, their Union Steel plant was responsible for a sizable portion of the known hazardous waste deposited at the site. We are exploring options that may be available to us to influence their decision and bring them back to the table. We also have made numerous attempts to contact the lawyers for Mr. Seiler but have not yet received a response. Needless to say, the participation of these parties would help significantly in developing a viable offer.

Fourth, we learned yesterday that the City of Albion, despite their interest in the site and their willingness to participate in our discussions, is unwilling to play any financial role in the process. We think their participation is important and would like to consider some creative ways for them to manage their financial obligations at the site. Even if these efforts prove unavailing, however, we will need additional time to reformulate our position in light of their decision not to take part.

Based even on the little information we have so-far received concerning the site, we believe that a PRP-funded and directed RI/FS makes sense. What we now seek is a reasonable amount of additional time to formulate a viable proposal. We believe this is entirely consistent with the intent of section 122(e) to facilitate settlements, would serve the public interest and would be protective of the environment.

If you have questions or would like to discuss this request further, please feel free to contact any of us at the numbers listed below. We also would be happy to meet with you or to arrange a conference call.

Very truly yours,

Cooper Industries

By: Mark J. Airola
Mark J. Airola
Counsel, Environmental

Corning Incorporated

By: Richard D. Geiger
Richard D. Geiger
Environmental Consultant

RDG:ms

cc: George Davis, Esq.